

PATENT  
ATTORNEY DOCKET NO. 11325-84822

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rafael A. Sierra et al.

Serial No.: 09/924,156

Filed: August 7, 2001

Title: METHOD FOR TREATING ACNE

)  
)  
) Examiner:  
)

) Art Unit: 3739  
)  
)  
)

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Dear Sir:

DECLARATION OF RAFAEL A. SIERRA

RECEIVED

APR 17 2002

OFFICE OF PETITIONS

The undersigned Rafael A. Sierra, hereby declares as follows:

1. I am a joint inventor on the above-identified patent application. I have first hand knowledge of the following.

2. On November 30, 2001, a copy of the application, assignment to the New England Medical Center Hospitals, Inc. and inventor declaration was sent by first class mail to the home of Kathleen I. McMillan at 1958 Main Street, Concord, MA 01742 at my direction and by my Executive Assistant, Dona-Maria Dean. See Exhibit A.

3. On March 7, 2002, I called Kathleen McMillan at her place of employment Candela Corporation, 530 Boston Post Road, Wayland, MA 01778. I confirmed that she received the application and the inventor declaration and asked that she execute the inventor declaration. She personally told me that she would not execute the inventor declaration.

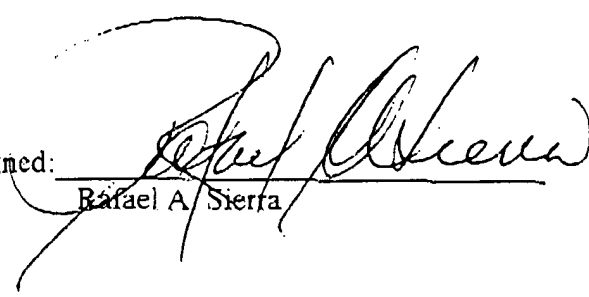
4. Kathleen McMillan stated to me that she thought the application would not be in the best interests of her present employer and that she, therefore, was not going to execute the inventor declaration.

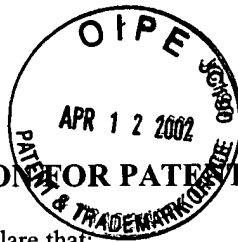
5. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

4/9/02

Signed:

  
Rafael A. Sierra



#6

## JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventor, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF TREATING ACNE, the specification of which

- ☐ is attached hereto.
- ☒ was filed on August 7, 2001 as Application Serial Number 09/924,156.
- ☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. \_\_\_\_\_, filed \_\_\_\_\_, and amended on \_\_\_\_\_ (if any).

RECEIVED

APR 17 2002

OFFICE OF PETITIONS

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

### Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

### Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)

### Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status — Patented, Pending, Abandoned

ASSIGNMENT



Case No.: 11325-84822 Serial No.: 09/924,156

Inventors: Rafael A. Sierra, Mirko Mirkov, Kathleen I. McMillan, and Jennifer R. Lloyd

Date of Execution  
of Application: \_\_\_\_\_ Filing Date: August 7, 2001

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to:

**New England Medical Center Hospitals, Inc. of Boston, Massachusetts**

its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled:

**METHOD OF TREATING ACNE**

**RECEIVED**

and identified as:

**APR 17 2002**

**B&W Case No. 11325-84822**

**OFFICE OF PETITIONS**

in the offices of Banner & Witcoff, Ltd. and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assign to said assignee the priority right provided by the International Convention.

The undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorizes and requests the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known.

The undersigned warrants himself to be the owner of the entire right, title and interest in said invention or improvements and to have the right to make this assignment, and further warrants that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

For said considerations the undersigned hereby agrees, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation and substitute applications for said invention or improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application and any and all applications and other documents for Letters

Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the undersigned authorizes said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agree, upon the request of said assignees, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain, maintain and enforce said Letters Patent, both United States and foreign, and vests all rights therein hereby conveyed in the assignees, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignees, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kathleen I. McMillan